

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re: ) Case No. 15-12964  
 )  
Kimberly Uber ) Hon. Jessica Price Smith  
 ) CHAPTER 13  
Debtor )  
 ) **OBJECTION TO PROOF OF CLAIM**  
 ) **#3 FILED BY SADINO FUNDING**  
 )

Now comes Debtor, by and through counsel, and objects to the allowance of the Proof of Claim by Quantum3 Group, LLC as agent for Sadino Funding, LLC (“Creditor”) filed July 9, 2015, Claim #3.

1) Creditor filed a Proof of Claim in the amount of \$510.54 unsecured.

2) Debtor objects to this proof of claim for the following reasons:

a. Creditor fails to attach any written documentation establishing the agency relationship between Quantum3 Group, LLC, Sadino Funding and Applied Card Systems, Inc.;

b. Further Creditor fails to attach any written documentation to establish the assignment of the debt to the current claimant as the original creditor is simply identified as Applied Card Systems, Inc.

c. Further Creditor fails to attach any written documentation to establish what the debt was for or how Debtor is obligated for this alleged debt.

d. Under Ohio law, a Creditor seeking to recover on an account, such as a credit card, must prove the balance owed. It is further established that an action on a credit card requires the Creditor to show a running balance, preferably at Zero, but at least an agreed upon balance and then a running itemization of debits, credits, and calculation of late fees and charges to prove how the balances were calculated. *Asset Acceptance v. Proctor*, 156 Ohio App.3d 60, 2004-Ohio-623 (4<sup>th</sup> Ohio District) citing *Brown v. Columbus Stamping & Mfg. Co.* (1967) 9 Ohio App.2d 123, 126. In the instant case, Creditor has failed to put forth a provable sum and has failed to submit any documentation evidencing a running itemization of debits, credits, and calculation of late fees and charges to prove how the balances were calculated.

e. Debtor has reviewed the proof of claim and cannot identify this Creditor or has knowledge of this debt. This debt was not listed on their schedules nor on their credit report which was pulled by counsel prior to filing bankruptcy.

WHEREFORE, Debtor objects to the allowance of the Creditor's claim. Debtor respectfully, requests the Court to disallow this Proof of Claim filed by the Creditor in its entirety. Date: January 23, 2017

/s/ Marc E. Dann

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**CERTIFICATE OF SERVICE**

The undersigned certifies that January 23, 2017, a copy of the foregoing pleading was filed electronically with the Clerk of the Court. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system ("ECF"). Parties may access this filing through the Court's system.

US Trustee's Office [Trustee@Usdoj.Gov](mailto:Trustee@Usdoj.Gov)

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And via regular US Mail to

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